

LAW OFFICES OF
MARK K. OTO
255 NORTH MARKET STREET
SUITE 260
SAN JOSE, CALIFORNIA 95110
TELEPHONE (408) 993-0303

1 Law Offices of Mark K. Oto
2 MARK K. OTO, SBN 100058
3 255 North Market Street, Suite 260
4 San Jose, California 95110
5 Tel: (408) 993-0303

6 Attorney for Creditors
7 Lawrence Wu and Mealea Men

8 UNITED STATES BANKRUPTCY COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA
11
12 SAN JOSE DIVISION

13 In re:

14 MAJID MARHAMAT

15 Debtor,

) CASE NO. 10-59396 SLJ
) CHAPTER 7
)

) REQUEST FOR HEARING AND
) OPPOSITION TO MOTION TO
) AVOID LIEN BY LAWRENCE WU
) AND MEALEA MEN
)

16 No hearing set

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18 Creditors Lawrence Wu and Mealea Men ("Creditors") hereby opposes the Debtor's
19 Motion to Avoid Lien on real property located at 18394 Montpere Way, Saratoga, CA 95070
20 ("Real Property") on the following grounds:
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23 1. Creditor holds a recorded judgment against the real property which awarded
24 Creditors money damages against the debtor but also required the Debtor to convey clean title
25 to the real property to the Creditor. See Judgment attached the Declaration of Lawrence Wu. It
26 is Creditor's position that under the judgment, Creditors are the equitable owners of the real
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1 property. The judgment held by Creditors reflects litigation over a real estate purchase contract
2 by which the Debtor sold the property to the Creditors.

3 2. Debtor believes that the Real Property value is \$795,000.00 as of the date of the
4 petition but offers no evidence of value, other than the debtor's opinion, for which there is no
5 foundation and Creditors so object to such evidence.

6 3. Creditors believe and thereon allege that there is equity to cover the Debtor's
7 exemption and provide equity for the Creditors. And, as set forth above, Creditors do not
8 believe that the Debtor is entitled to any exemption because he is not the equitable owner of the
9 property.
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11 4. Creditors believe that the value of the Real Property is approximately One
12 Million dollars (\$1,000,000.00) as of the date of the petition in 2010. Creditor purchased the
13 real property from the Debtor in 2004 for approximately \$800,000. And the current estimated
14 value is approximately One Million Five Hundred Sixty Eight Thousand dollars(\$1,568,000)
15 pursuant to a Zillow valuation estimate. See Declaration of Lawrence Wu, filed herewith.
16

17 5. Creditor request time to obtain a formal appraisal of the real property and
18 requests leave of the Court to amend its pleadings in support of its position.

19 6. Creditors request that the Court deny the Debtor's Motion to Avoid Lien because
20 there is no lien to avoid. The recorded judgment does not constitute a lien per se but is likely a
21 cloud on the debtor's title.

22 7. This motion is based upon the Request for Hearing herein, the Declaration of
23 Creditors filed herewith, and upon such other and further oral documentary evidence which may
24 be presented at time of the hearing in this matter.
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26 8. Wherefore, Creditors Lawrence Wu and Mealea Men oppose the Debtor's motion
27 and hereby request a hearing on the Debtor's motion to avoid lien.
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Law Offices of Mark K. Oto

DATED: October 25, 2017

/s/Mark K. Oto

Mark K. Oto
Attorney for Creditors
Lawrence Wu and Mealea Men

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